

HOUSE BILL REPORT

SSB 5556

As Passed House - Amended:

April 16, 2009

Title: An act relating to toll enforcement for infractions detected through the use of a photo enforcement system.

Brief Description: Concerning toll enforcement for infractions detected through the use of a photo enforcement system.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Kilmer, Carrell and Kauffman).

Brief History:

Committee Activity:

Transportation: 3/19/09, 4/6/09 [DPA].

Floor Activity

Passed House - Amended: 4/16/09, 98-0.

Brief Summary of Substitute Bill (As Amended by House)

- Prohibits reductions in the toll penalty, which is the portion of the toll infraction that is remitted to the WSDOT for deposit in the appropriate toll account.
- Requires the payment of the appropriate toll by individuals who are found to have not committed a toll infraction, unless it has already been paid.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 18 members: Representatives Clibborn, Chair; Liias, Vice Chair; Campbell, Dickerson, Eddy, Finn, Flannigan, Moeller, Morris, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

Minority Report: Do not pass. Signed by 11 members: Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Cox, Driscoll, Erickson, Herrera, Johnson, Klippert, Kristiansen and Shea.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: David Munnecke (786-7315)

Background:

It is an infraction to refuse to pay a toll or otherwise avoid a toll at a publicly-operated toll facility. In 2004 Substitute House Bill 2475 allowed for the detection of toll violations through the use of a photo enforcement system. The photo enforcement system may record images of vehicles and vehicle license plates only, and the infractions issued through such a system are not part of the registered owners' driving records and must be processed in the same manner as traffic infractions. The penalty for toll violation infractions issued through the use of photo enforcement systems is set at \$40, plus three times the cash toll for a standard passenger vehicle during peak hours.

Drivers that do not pay a toll when they cross the new Tacoma Narrows Bridge are subject to these infractions. The court remits the toll penalty for an infraction committed on the Tacoma Narrows Bridge to the Washington State Department of Transportation (WSDOT) and it is deposited into the Tacoma Narrows Bridge Toll Account.

Any reduction by the courts of the total penalty imposed is made proportionally between the \$40 infraction penalty and the toll penalty.

Summary of Amended Bill:

Any reduction in the total amount of an infraction issued through a photo monitoring system must be made only to the infraction penalty and the toll penalty, may not be reduced. If the driver is found by the courts to have not committed an infraction, the driver must pay the toll due at the time the photograph was taken, unless the toll has already been paid.

The WSDOT is required to report to the transportation committees of the Legislature by December 1, 2009, regarding providing a time frame for the payment of tolls on the Tacoma Narrows Bridge prior to the issuance of an infraction.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) When a person commits a toll violation, two things should happen: (1) if there's going to be a reduction in the amount of the penalty it should be in the amount that goes to the courts, since the amount that goes to the Tacoma Narrows Toll Bridge Account helps decrease the amount of the tolls; and (2) if someone is found to have not committed the toll infraction that person should still have to pay the toll if they crossed the bridge. This bill would ensure that both of these things occur.

(With concerns) A toll violation ticket on the Tacoma Narrows Bridge results in a \$52 ticket, which is split so that \$40 goes to the courts and \$12 to the Tacoma Narrows Toll Bridge Account. This bill would require that the courts pay for the entirety of any reduction in the amount of this fine. The larger issue with this bill has to do with the courts' computer system. It's an old system that needs updating and it currently cannot reduce fines in the fashion required by this bill. Pierce County has indicated that it can do this manually, but it could be a problem if King County has to deal with toll violations.

The WSDOT wants to utilize the same system across all tolled facilities. That system should give the people who use these facilities some degree of flexibility, and allow them to pay within 45 days in order to avoid receiving an infraction. Using a unified system would also create economies of scale, which would be better for the state and the users of the facilities.

(Opposed) None.

Persons Testifying: (In support) Senator Kilmer, prime sponsor.

(With concerns) Mellani McAleenan, Board for Judicial Administration; and Craig Stone, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.